

REMARKS

Responsive to the Final Office Action mailed March 23, 2004, please amend the application as listed above and reconsider the application in view of the following remarks. By this response and RCE the Applicants' pending appeal in this case is hereby withdrawn prior to the issuance of a ruling from the Board of Patent Appeals and Interferences.

According to the Office Action mailed on March 23, 2004, Claims 1-4, 6, 11, 13-15, 19-21, 27-31, 35, 39-44 and 48-50 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,920,847 to Kolling ("Kolling"). Claims 7, 25-26, 36 and 47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kolling*. Claims 5, 8-10, 12, 16-18, 22-24, 32-34, 45-46, and 51-55 have previously been canceled. Claims 37 and 38 have been indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By the amendments listed above Claims 1-55 have been canceled, and Claims 56-61 have been added. Therefore, Claims 56-65 are now pending in this application. No new matter has been added to the application. The Applicants respectfully submit that the pending claims are allowable.

The Kolling Reference - 35 U.S.C. §§ 102(b) and 103(a)

The Applicants have canceled all claims subject to rejection under 35 U.S.C. §§ 102(b) or 103(a) based on *Kolling*. Therefore the rejections based on *Kolling* are now moot. The Applicants assert that the newly added Claims 56-65 are allowable over *Kolling* for at least the reason that *Kolling* does not teach the merchant payment processing system residing at the source, as required by the each of the pending independent claims. Support for such a claim element may be found at page 18 of the specification with reference to FIG. 2B:

It should be understood that the merchant payment processing system could be multiple systems which respectively reside with each source 7, a single system (as shown) which resides with the RPP 3 or as a separate system controlled by an entirely separate entity connected to the RPP 3 by a network. Hence each source processing system 7 collects payment requests made by consumers in its consumer base and the one or more merchant payment systems 25 makes payments on behalf of these consumers 8 in accordance with payment directions from the centralized RPP 3.

Applicant: Garrison et al.
Filed: January 21, 1998
Application No.: 09/010,193

Therefore, the Applicants respectfully assert that newly added independent Claims 56-61 are in condition for allowance. Additionally, each of dependent claims 57-58 and 61-62 are allowable as a matter of law as being dependent on allowable base claims, notwithstanding the independent recitation of patentable subject matter that may be described.

Applicant: Garrison et al.
Filed: January 21, 1998
Application No.: 09/010,193

CONCLUSION

The Applicants believe they have responded to each matter raised by the Examiner. Allowance of the claims is respectfully solicited. It is not believed that extensions of time or fees for addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,



William T. Cook
Registration No. 58,072

July 31, 2007
SUTHERLAND ASBILL & BRENNAN, LLP
999 Peachtree Street, NE
Atlanta, GA 30309-3996
(404) 853-8253
(404) 853-8806 (fax)
SAB Docket No.: 23952-0046